

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-21 in the application. In the present response, the Applicant has amended Claims 1, 4-5, 7-8, 15, 18-19 and 21. No claims have been canceled or added. Accordingly, Claims 1-21 are currently pending in the application.

I. Rejection of Claims 1, 7-8, 14-15 and 21 under 35 U.S.C. §102

The Examiner has rejected Claims 1, 7-8, 14-15 and 21 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,308,215 to Kolbet, *et al.* The Applicant respectfully disagrees since Kolbet does not teach indicating, to a user, a data transfer rate of a USB signal corresponding to a full-speed operation and a high-speed operation as recited in amended Claims 1, 8 and 15.

Kolbet is directed to extending cable lengths of USB linkage between computer units. (*See* column 1, lines 58-66.) Kolbet discloses a speed indicator signal that represents a selected speed of USB signals between extender ports. (*See* column 2, lines 53-63.) The speed indicator signal, however, does not indicate a data transfer rate to a user as recited in independent Claims 1, 8 and 15. On the contrary, the speed indicator signals are employed by a controller associated with the extender ports and used in transmitting USB signals between the extender ports. (*See* column 2, lines 27-37 and lines 53-56; column 7, lines 61-62; and column 8, line 56 to column 9, line 6.) Thus, while Kolbet may indicate a signal speed, Kolbet does not disclose indicating a data transfer rate to a user as presently claimed.

Kolbet, therefore, does not disclose each and every element of independent Claims 1, 8 and 15 and as such, does not anticipate Claims 1, 8 and 15 and Claims dependent thereon.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect Claims 1, 7-8, 14-15 and 21 and allow issuance thereof.

II. Rejection of Claims 2, 9 and 16 under 35 U.S.C. §103

The Examiner has rejected Claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Kolbet in view of U.S. Patent No. 4,402,271 to Heidmann, *et al.* The Applicant respectfully disagrees.

As discussed above, Kolbet does not teach indicating a data transfer rate to a user as recited in amended Claims 1, 8 and 15. Additionally, Kolbet does not suggest indicating a data transfer rate to a user but teaches that the speed indicator signal is used by computer equipment (*i.e.*, extender ports) for transmitting USB signals. Thus, Kolbet does not teach or suggest each element of independent Claims 1, 8 and 15. Heidmann has not been cited to teach indicating a data transfer rate to a user but to teach at least a portion of a performance indication system that is contained in a cable assembly. (*See* Examiner's Action, page 4.) The Applicants do not find where Heidmann discloses indicating a data transfer rate to a user but instead is directed to an anti-tank mine with a wide area of action. (*See* Abstract.)

Thus, the cited combination of Kolbet and Heidmann does not teach or suggest indicating a data transfer rate to a user as recited in independent Claims 1, 8 and 15. Accordingly, the cited combination of Kolbet and Heidmann does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15 and Claims 2, 9 and 16 that depend thereon, respectively. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 2, 9 and 16 and allow issuance thereof.

III. Rejection of Claims 3, 10 and 17 under 35 U.S.C. §103

The Examiner has rejected Claims 3, 10 and 17 under 35 U.S.C. §103(a) as being unpatentable over Kolbet in view of U.S. Patent No. 6,542,946 to Wooten. The Applicant respectfully disagrees.

As discussed above, Kolbet does not teach or suggest indicating a data transfer rate to a user as recited in amended Claims 1, 8 and 15. Wooten has not been cited to teach indicating a data transfer rate to a user but to teach at least a portion of a performance indication system that is contained in a peripheral device. (*See* Examiner's Action, page 4.) The Applicants do not find where Wooten discloses indicating a data transfer rate to a user but instead is directed to a dual mode differential transceiver for use in a USB to permit both full speed and high speed data transfers to occur. (*See* column 1, lines 20-23.)

Thus, the cited combination of Kolbet and Wooten does not teach or suggest indicating a data transfer rate to a user as recited in independent Claims 1, 8 and 15. Accordingly, the cited combination of Kolbet and Wooten does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15 and Claims 3, 10 and 17 that depend thereon, respectively. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 3, 10 and 17 and allow issuance thereof.

IV. Rejection of Claims 4, 11 and 18 under 35 U.S.C. §103

The Examiner has rejected Claims 4, 11 and 18 under 35 U.S.C. §103(a) as being unpatentable over Kolbet in view of U.S. Patent No. 5,469,746 to Fukunaga. The Applicant respectfully disagrees.

As discussed above, Kolbet does not teach or suggest indicating a data transfer rate to a user as recited in amended Claims 1, 8 and 15. Fukunaga has not been cited to teach indicating a data transfer rate to a user but to teach at least a portion of a performance indication system that is contained in a peripheral device. (*See* Examiner's Action, page 5.) The Applicants do not find where Fukunaga teaches or suggests indicating a data transfer rate to a user but instead is directed to an electronic flow meter. (*See* column 1, lines 6-8.) The electronic flow meter includes a display 140 but the display does not indicate a data transfer rate as recited in independent Claims 1, 8 and 15. On the contrary, the display provides a visual output of an electromagnetic flow meter. (*See* column 3, line 66 to column 4, line 36 and column 8, lines 11-18.)

Thus, the cited combination of Kolbet and Fukunaga does not teach or suggest indicating a data transfer rate to a user as recited in independent Claims 1, 8 and 15. Accordingly, the cited combination of Kolbet and Fukunaga does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15 and Claims 4, 11 and 18 that depend thereon, respectively. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 4, 11 and 18 and allow issuance thereof.

Furthermore, one skilled in the art would not be motivated to combine Fukunaga with Kolbet since Kolbet is directed to extending USB cables and Fukunaga is directed to improved electromagnetic flow meters.

V. Rejection of Claims 5, 12 and 19 under 35 U.S.C. §103

The Examiner has rejected Claims 5, 12 and 19 under 35 U.S.C. §103(a) as being unpatentable over Kolbet in view of U.S. Patent No. 5,365,577 to Davis, *et al.* The Applicant respectfully disagrees.

As discussed above, Kolbet does not teach or suggest indicating a data transfer rate to a user as recited in amended Claims 1, 8 and 15. Davis has not been cited to teach indicating a data transfer rate to a user but to teach at least a portion of a condition indication system that employs an audible device. (*See* Examiner's Action, page 6.) Additionally, the Applicants do not find where Davis discloses indicating a data transfer rate to a user but instead is directed to telecommunications systems adapted for transmission of speech and display data over standard, existing telephone lines for audio-graphic communication between parties. (*See* column 1, lines 13-17.) Davis does disclose a tone generator but the signals from the tone generator are used to configure a subscriber's terminal (*see* column 22, lines 23-28), not indicate a data transfer rate to a user.

Thus, the cited combination of Kolbet and Davis does not teach or suggest indicating a data transfer rate to a user as recited in independent Claims 1, 8 and 15. Accordingly, the cited combination of Kolbet and Davis does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15 and Claims 5, 12 and 19 that depend thereon, respectively. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 5, 12 and 19 and allow issuance thereof.

Furthermore, one skilled in the art would not be motivated to combine Davis with Kolbet since Kolbet is directed to extending USB cables and Davis is directed to a telecommunication display system.

VI. Rejection of Claims 6, 13 and 20 under 35 U.S.C. §103

The Examiner has rejected Claims 6, 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over Kolbet in view of U.S. Patent Application Publication No. 20030026183 by Kitagawa. The Applicant respectfully disagrees.

As discussed above, Kolbet does not teach or suggest indicating a data transfer rate to a user as recited in amended Claims 1, 8 and 15. Kitagawa has not been cited to teach indicating a data transfer rate to a user but to teach determination of the data transfer rate is based on an outcome of a chirping process. (*See* Examiner's Action, page 6.) Additionally, the Applicants do not find where Kitagawa discloses indicating a data transfer rate to a user but instead is directed to automatically changing a writing speed of an optical medium in accordance with an interface data transfer speed. (*See* column 1, paragraph 2.)

Thus, the cited combination of Kolbet and Kitagawa does not teach or suggest indicating a data transfer rate to a user as recited in independent Claims 1, 8 and 15. Accordingly, the cited combination of Kolbet and Kitagawa does not provide a *prima facie* case of obviousness of Claims 1, 8 and 15 and Claims 6, 13 and 20 that depend thereon, respectively. Therefore, the Applicant respectfully requests the Examiner to withdraw §103(a) rejection of Claims 6, 13 and 20 and allow issuance thereof.

VII. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

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